

**VIRGINIA BOARD OF NURSING  
FORMAL HEARINGS  
March 15, 2010**

**TIME AND PLACE:** The meeting of the Virginia Board of Nursing was called to order at 9:30 A.M. on March 15, 2010 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

**BOARD MEMBERS  
PRESENT:**

Florence Jones-Clarke, R.N., M.S., Vice President  
Peregrin Francisco, R.N., M.S.A.  
Joyce A. Hahn, Ph.D, APRN, NEA-BC  
John M. Horn, L.P.N.  
Patricia C. Lane, R.N., B.S.N.  
William Traynham, L.P.N.

**STAFF PRESENT:**

Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director (joined later)  
Brenda Krohn, R.N., M.S., Deputy Executive Director  
Jodi P. Power, R.N., J.D., Deputy Executive Director  
Donna Lee, Senior Discipline Specialist  
Amy Davis, Administrative Assistant (joined later)

**STAFF ABSENT:**

Gloria D. Mitchell, R.N., M.S.N., M.B.A., Deputy Executive Director

**OTHERS PRESENT:**

Howard M. Casway, Senior Assistant Attorney General  
Nursing and nurse aide students from Louisa County High School, Germanna Nursing Program and Petersburg High School

**ESTABLISHMENT OF  
A QUORUM:**

With six members of the Board present, a quorum was established.

**FORMAL HEARINGS:**

**America Health Care, Inc. Practical Nursing Education Program**  
Mr. Oladimeji appeared, accompanied by Dr. Rosanna Bumgardner and Dr. Pierce.

James Schliessmann, Assistant Attorney General and Anne Joseph, Deputy Director, Administrative Proceedings Division, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Ms. Douglas joined the meeting.

Dr. Paula Saxby, Deputy Executive Director, Board of Nursing; Rosanna Bumgardner were present and testified.

CLOSED MEETING: Ms. Francisco moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:55 A.M., for the purpose of deliberation to reach a decision in the matter of America Health Care, Inc. Practical Nursing Education Program. Additionally, Ms. Francisco moved that Ms. Douglas, Ms. Krohn, Ms. Power, Ms. Lee and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 12:23 P.M.

Ms. Francisco moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and carried unanimously.

Dr. Hahn moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Schliessmann and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Ms. Lane moved that the Board of Nursing deny approval to America Health Care, Inc. to establish a practical nursing education program. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

Ms. Davis joined the meeting. Ms. Lee left the meeting.

FORMAL HEARINGS: **Diana Akoto, C.N.A. 1401-100237**  
Ms. Akoto appeared, represented by attorney, Jad N. Sarsour.

Tammie Jones, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Pamela Kincheloe, Senior Investigator, Department of Health Professions; Trinity Jenkins, Administrator, Manor Care Alexandria; Jessica Harris, C.N.A.; Racquette Sawyer, Activities Assistant were present and testified.

Ms. Douglas left the meeting.

CLOSED MEETING: Ms. Francisco moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 2:37 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Akoto. Additionally, Ms. Francisco moved that Ms. Power, Ms. Krohn, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 2:55 P.M.

Ms. Francisco moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

ACTION:

Mr. Horn moved that the Board of Nursing dismiss the case in the matter of Diana Akoto due to a lack of evidence.

The motion was seconded and carried. Mr. Horn, Dr. Hahn, Ms. Francisco, Ms. Lane and Mr. Traynham were in favor of the motion. Ms. Jones-Clarke opposed the motion.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

RECESS:

The Board recessed at 3:00 P.M.

RECONVENTION:

The Board reconvened at 3:40 P.M.

FORMAL HEARINGS:

**Marybeth Vaughan, R.N. Reinstatement Applicant 0001-143282**

Ms. Vaughan did not appear.

Tammie Jones, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Cecile Custer, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING:

Ms. Francisco moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 3:46 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Vaughan. Additionally, Ms. Francisco moved that Ms. Power, Ms. Krohn, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 3:55 P.M.

Ms. Francisco moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Mr. Traynham moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Jones and amended by the Board.  
The motion was seconded and carried unanimously.

**ACTION:**

Ms. Lane moved that the Board of Nursing deny the application for reinstatement of the professional nursing license of Marybeth Vaughan.  
The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

**FORMAL HEARINGS:**

**Joanne L. Boland, R.N. 0001-160725**

Ms. Boland did not appear.

Wendell Roberts, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Janice Fleming, Senior Investigator, Department of Health Professions was present and testified.

**CLOSED MEETING:**

Ms. Francisco moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 4:15 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Boland. Additionally, Ms. Francisco moved that Ms. Power, Ms. Krohn, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

**RECONVENTION:**

The Board reconvened in open session at 4:30 P.M.

Ms. Francisco moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Mr. Traynham moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Roberts and amended by the Board.  
The motion was seconded and carried unanimously.

**ACTION:**

Dr. Hahn moved that the Board of Nursing indefinitely suspend the right to renew the professional nursing license of Joanne Boland.  
The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

Ms. Douglas rejoined the meeting.

FORMAL HEARINGS: **Shirley L. Wiles, L.P.N. 0002-062933**  
Ms. Wiles did not appear.

Anne Joseph, Deputy Director, Administrative Proceedings Division represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Kim Whittemore, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING: Ms. Francisco moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 4:40 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Wiles. Additionally, Ms. Francisco moved that Ms. Douglas, Ms. Power, Ms. Krohn, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.  
The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 4:46 P.M.

Ms. Francisco moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.  
The motion was seconded and carried unanimously.

Mr. Traynham moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Roberts and amended by the Board.  
The motion was seconded and carried unanimously.

ACTION: Dr. Hahn moved that the Board of Nursing indefinitely suspend the right to renew the practical nursing license of Shirley Wiles for a period of not less than two years.  
The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

ADJOURNMENT: The Board adjourned at 4:50 P.M.

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Brenda Krohn, R.N., M.S.  
Deputy Executive Director